

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Elan and Adam Klein, Leah Weaver, and  
Arisa Paschalidis, and all others similarly  
situated,

Civ. No. 17-1884 (PAM/SER)

Plaintiffs,

v.

Prime Therapeutics, LLC; Express Scripts  
Holding Co.; Express Scripts, Inc.; Medco  
Health Solutions, Inc.; CVS Health  
Corporation; Caremark, L.L.C.; Caremark  
Rx, L.L.C.; and CaremarkPCS Health,  
L.L.C.,

Defendants.

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Susan Illis, individually and on behalf of all  
others similarly situated,

Civ No. 17-5154 (PAM/SER)

Plaintiffs,

v.

**ORDER**

Optum, Inc.; OptumRx Holdings, LLC;  
OptumRx, Inc.; United Healthcare  
Services, Inc.; and UnitedHealth Group,  
Inc.,

Defendants.

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Traci Brannon, Lindsey Rizzo, and James  
Herr, individually and on behalf of all  
others similarly situated,

Civ. No. 18-18 (PAM/SER)

Plaintiffs,

v.

Express Scripts Holding Company; Express  
Scripts, Inc.; UnitedHealth Group, Inc.;  
OptumRx, Inc.; and Prime Therapeutics,  
LLC,

Defendants.

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This matter is before the Court on the Parties' Stipulations. (Docket No. 188 in 17-1884; Docket No. 46 in 17-5154; Docket No. 143 in 18-18.) The parties have agreed to the appointment of interim co-lead class counsel, to consolidation of these related matters, and to a schedule for filing amended pleadings and any motions to dismiss.

Accordingly, **IT IS HEREBY ORDERED that:**

1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the following actions are consolidated for all purposes and captioned as In re EpiPen ERISA Litigation, Civil No. 17-1884 (PAM/SER):

- Klein et al. v. Prime Therapeutics, LLC, et al., Civil No. 17-1884 (PAM/SER);
- Illis, et al. v. Optum Holdings, LLC, et al., Civil No. 17-5154 (PAM/SER);
- Brannon, et al. v. Express Scripts Holding Co., et al., Civil No. 18-0018 (PAM/SER).

2. All future actions filed or transferred to this District arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District, will likewise be consolidated pursuant to Federal Rule of Civil Procedure 42(a) into Civil No. 17-1884 (PAM/SER);

3. The Court preliminarily determines that the law firms Lockridge Grindal Nauen, P.L.L.P., Berman Tabacco, Keller Rohrback L.L.P., and Robbins Geller Rudman & Dowd LLP meet the criteria in Rule 23(g) of the Federal Rules of Civil Procedure and will provide fair and adequate representation to the proposed Class. Those four firms are appointed as Interim Co-Lead Class Counsel pursuant to Rule 23(g);

4. Plaintiffs will file a master Consolidated Complaint, which will serve as the operative complaint for the consolidated action, within 60 days following the entry of this Order;

5. Defendants will answer or otherwise move to dismiss within 60 days from the date of Plaintiffs' Consolidated Complaint;

a. Before filing any motions to dismiss, Defendants must contact the Court's courtroom deputy for a hearing date on those motions;

6. Plaintiffs will file an opposition to any motion to dismiss within 60 days from the date on which Defendants file their motion; and

7. Defendants will file their replies in support of their motion to dismiss within 30 days from the date on which Plaintiffs file their opposition;

8. Until the Court rules on all motions to dismiss filed in any of the above-captioned cases or until the Court rules on all motions to dismiss filed in the consolidated action, the Parties will abide by the discovery limitations set forth in the Stipulations referenced above.

Dated: February 1, 2018

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge